

REMARKS

In response to the Amendment filed September 20, 2004, the Examiner repeated the previous claim rejections. Thus, the status of the claims is the following.

Claims 7-16 are all the claims pending in the application.

Claims 7, 8, 10, and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by previously-cited Mueller et al. (US 4,771,589). Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mueller in view of previously-cited Baranowski (US 5,407,057).

Claims 9, 12, and 14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With regard to independent claim 7, Applicant submits that Mueller fails to teach or suggest all of the limitations of the claim. Specifically, Mueller does not disclose the claimed sorting station for selectively sorting the arrayed encased products to a first feed path for feeding the encased products to package the encased products in a first attitude and a second feed path for feeding the encased products to package the encased products in a second attitude different from the first attitude. The Examiner asserts that Mueller discloses the claimed sorting station in the vicinity of element 12 in FIG. 1, which sorts the encased products "C" into a first feed path 14 with a first attitude C and a second feed path 16 in a second attitude C1. Also, in the "Response to Arguments," the Examiner refers to col. 3, lines 65-68 of Mueller, which discloses that a supply of filled containers C is provided from a filling machine arranged upstream of the apparatus shown in FIG. 1.

Mueller discloses a packaging apparatus, which is used to form a package P of alternately inverted containers, as illustrated in FIG. 2. The containers C are fed into the apparatus at element 12. The containers fed into the upper half of the apparatus are fed along path 16, and the containers fed into the lower half of the apparatus are fed along path 14. The containers in path 16 are inverted by an inverting apparatus 18. At the end of the process performed by the packaging apparatus 10, the containers C and inverted containers C1 are recombined and then packaged in packaging apparatus 26 as the package P. The form of the package P is shown in FIG. 2 of Mueller. As disclosed in the reference, the containers in the package P are alternately arranged as C and C1. The containers C and C1 travel along paths 14 and 16 at all times of the operation of the apparatus.

By contrast, the sorting station of claim 7 selectively sorts to a first feed path and a second feed path. The first feed path is for feeding the encased products to package the encased products in a first attitude. The second feed path is for feeding the encased products to package the encased products in a second attitude different from the first attitude. For example, FIG. 1 of the present application illustrates the selective sorting. In a first path (upper half of FIG. 1), the encased products are fed through a first feed path for packaging in a first attitude, and in a second path (lower half of FIG. 1), the encased products are fed through a second feed path for packaging in a second attitude. As recited in claim 7, the sorting station provides for selectively sorting to the first path or the second path. Mueller fails to teach or suggest a packaging apparatus having the feature of selectively sorting the encased products to first and second paths. Rather, Mueller discloses an apparatus in which the containers are always fed through both paths 14 and 16. Therefore, claim 7 is not anticipated by Mueller.

Also, claims 8, 10 and 11 are not anticipated by Mueller, at least because of their dependence from claim 7.

For claim 13, Applicant submits that claim 13 is allowable over the prior art, at least because Baranowski does not make up for the above-described deficiencies of Mueller.

With further regard to claim 13, Applicant submits that there is no suggestion or motivation to combine the teachings of Baranowski with the teachings of Mueller. The Examiner asserts that it would have been obvious to have provided Mueller's second feed path 16 with a knock-down mechanism in order to display the encased products from a vertical attitude to a horizontal attitude, thereby providing a tandem configuration wherein the encased products are placed one behind the other. However, the Examiner has provided no explanation why one of ordinary skill in the art would have been motivated to provide a tandem configuration in Mueller. Moreover, Mueller is directed to an apparatus, which provides a package P (FIG. 2) in which the containers C and C1 are disposed side-by-side. If the second path of Mueller were modified as suggest by the Examiner to have the containers C1 knocked down, Mueller's apparatus would not be able to provide the packaging it is intended to provide, i.e., package P. Thus, claim 13 is allowable for this additional reason.

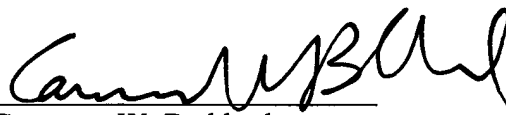
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
U. S. Application No. 10/779,623

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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